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COMMISSION ON HUMAN RIGHTS

Fifty-second session

SUMMARY RECORD OF THE 56th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 22 April 1996, at 6 p.m.

Chairman:	Mr. VASSYLENKO (Vice-Chairman)	(Ukraine)
later:	Mr. VERGNE SABOIA (Chairman)	(Brazil)
later:	Mr. LEGAULT (Vice-Chairman)	(Canada)

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RIGHTS OF THE CHILD, INCLUDING:

(a) STATUS OF THE CONVENTION ON THE RIGHTS OF THE CHILD

(b) REPORT OF THE SPECIAL RAPPORTEUR ON THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY

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FOLLOW-UP TO THE WORLD CONFERENCE ON HUMAN RIGHTS

In the absence of Mr. Vergne Saboia (Brazil), Mr. Vassylenko (Ukraine), Vice-Chairman, took the Chair.

The meeting was called to order at 6 p.m.

RIGHTS OF THE CHILD, INCLUDING:

(a) STATUS OF THE CONVENTION ON THE RIGHTS OF THE CHILD

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(agenda item 20) (continued) (E/CN.4/1996/98-102, 110 and Add.1, 121 and 132; E/CN.4/1996/NGO/33, 39, 42 and 72; A/50/537; E/CN.4/Sub.2/1995/29 and Add.1)

1. Mr. DACHO (Observer for Slovakia) urged States that had not already done so to ratify the Convention on the Rights of the Child and called upon States parties that had entered reservations to withdraw them. He supported an increase in the membership of the Committee on the Rights of the Child.

2. In fulfilment of its obligations under the Convention, Slovakia had paid special attention to social protection for children, particularly in terms of social security benefits and a standard of living conducive to their all-round development. Funding was provided for child-care institutions and advisory services, and for the reintegration of neglected or abused children into society.

3. The recruitment of children under 18 years of age into militias and armed forces was a violation of international humanitarian law. Slovakia strongly supported the proposed optional protocol to the Convention on the involvement of children in armed conflicts. It regretted that the open-ended working group had not yet reached agreement on a minimum age for participation in hostilities or voluntary recruitment into armed forces, and hoped that the drafting process would be completed at its third session.

4. He commended the work of the inter-sessional working group on the sale of children, child prostitution and child pornography, and expressed concern at the scale of forced and bonded labour in some parts of the world. More preventive action, particularly in the form of extended compulsory education and an enhanced role for the media and justice systems, was necessary to counteract such practices. Effective machinery for ensuring compliance with the Convention should also be given high priority.

5. Ms. MOHAMED (Observer for Kenya) said that her Government had set up a task force on children's rights comprising representatives of government

agencies and non-governmental organizations (NGOs). A national policy paper produced by the task force had been used to prepare a comprehensive bill of children's rights that was before Parliament.

6. Although prostitution in Kenya was illegal, a prostitution racket involving young girls had recently been discovered and was being stamped out by the Government.

7. A massive international public awareness campaign was necessary to counteract the sale of children. She urged the Special Rapporteur to submit a far more comprehensive report to the next session, including a section on the rape of minors. In addition, firm action must be taken to restrict access to and prevent the spread of child pornography.

8. The statistics on children killed, mutilated and orphaned in armed conflicts in Africa in the past decade pointed to an erosion of traditional values that afforded immunity to women, children and the elderly in wartime. She commended the work of the open-ended inter-sessional working group on the draft optional protocol on the involvement of children in armed conflicts.

9. Ms. AULA (Pax Christi International) said that her organization supported the total prohibition of anti-personnel land-mines, which killed children both during and after armed conflicts. About 10 per cent of the world's land-mines had been laid in Afghanistan, with devastating consequences for children and also for refugee families who were unable to return home. Young Afghans were also subjected to coercive action by the Taliban, especially through improper use of religion.

10. Alarming reports had been received from Bahrain concerning children dismissed from school, separated from imprisoned mothers, arbitrarily arrested, tortured and abused. She urged the authorities in Bahrain to comply with the Convention.

11. Ms. FATIO (Baha'i International Community), speaking on behalf of 34 NGOs*, said that articles 28 and 29 of the Convention on the Rights of the Child concerning education were particularly important, since it was only through a well-conceived education that children could relate to society in a balanced way. Educational programmes that fostered the development of moral values afforded strong protection against destructive behaviour and helped to create a just society in which human rights were upheld. Curricula at all levels of education must be revised in such a way as to recognize the moral implications of personal and social choices. Training programmes for parents, educators, counsellors and others who served as role models were also essential.

12. Article 17 of the Convention recognized the powerful influence of the mass media on children. If used judiciously, the media could impart values conducive to the protection of human rights and the establishment of peace and provide a forum for the impartial examination of issues and solutions.

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* A list of these NGOs is annexed to this summary record.

13. The Committee on the Rights of the Child should pay special attention to the aims of education as set out in article 29 and to the role of the media and scholarly books as vehicles for moral education.

14. Mr. SCHONVELD (World Organization against Torture) said that the number of cases of child torture documented by his organization since it had launched its Children's Programme in 1992 had been increasing dramatically.

15. In Bahrain peaceful demands for democracy had been met with extreme violence and there were currently at least 119 children in detention. Young girls arrested following a recent demonstration had been detained, stripped, videotaped and threatened with rape. He urged the Commission to take action before the situation deteriorated further.

16. While there had been abuses on both sides in the context of the deteriorating situation in Pakistan, and particularly in Karachi, the behaviour of the authorities towards the Mohajir community had been particularly reprehensible. In November 1995, the security forces had arrested hundreds of children from Mohajir schools, tortured them and compelled their parents to pay ransom. The abuses and impunity must stop.

17. He agreed with the High Commissioner for Human Rights on the need for better coordination of the activities of the Centre for Human Rights, especially regarding the detention of children, but improved performance should be matched with appropriate funding.

18. Not enough attention was being given to the problem of street children, who were usually forced into crime, drugs and violence by a lack of institutional and family guidance. State violence against street children was routine and the perpetrators of crimes against them enjoyed almost total impunity.

19. Ms. SAYEGH (General Arab Women Federation) said that the sanctions imposed on Iraq had led to a serious deterioration in the nutritional status of children under the age of five and to a steep rise in their mortality rate owing to shortages of vaccines, drugs and spare parts for medical equipment. Massive destruction of the educational infrastructure had brought about a sharp drop in literacy among school-age children. She urged the Commission to take strong action to have the sanctions lifted so that Iraq could comply with its obligations under the Convention on the Rights of the Child.

20. Her organization was horrified at the sufferings of the people of Lebanon under Israeli bombardment. Nothing could justify such a disproportionate response to the firing of rockets by the other side. Countless families had been driven from their homes, many innocent lives had been lost and much of Lebanon's recently restored infrastructure had been destroyed.

21. How could Arab children be expected to believe in justice, human rights and lasting peace in the circumstances? She urged the Commission to take action under existing international instruments, including the Convention on the Rights of the Child, to put an end to the killing and destruction in the Middle East.

22. Mr. GATTI (Christian Democrat International) said that effective protection for children depended on the political will to implement existing legislation on the sale of children, identification of newborn babies and other related issues. Impoverishment due to structural adjustment policies exacerbated the marginalization of large sectors of the population in developing countries, leaving women and children particularly defenceless. The abduction and export of children for organ transplants had been discussed by some as baseless rumours on the grounds that the requisite network of sophisticated medical technology and a large team of experts would be impossible to conceal. But what was to prevent the wealthy from travelling to poor countries for on-the-spot transplants? He encouraged the Special Rapporteur on the matter to pursue his investigations even more assiduously.

23. Serious irregularities occurred in many cases of international adoption, both because local judicial authorities in the country of the adoptive child were motivated solely by economic considerations and because adoptive parents were not properly monitored on returning to their country to prevent the sale or exploitation of the child.

24. The recent undermining of workers' rights by deregulation policies had led to an increase in child labour. His organization urged all countries to take firm action against such exploitation and against the perpetrators of child prostitution and child pornography.

25. Mr. Vergne Saboia (Brazil) took the Chair.

26. Mr. WIEBALCK (Christian Solidarity International) said that since the 1995 session two members of his organization had undertaken three fact-finding trips to the Sudan to investigate reports of slavery and related practices involving children and that slavery had been revived on a large scale in government-controlled areas of the country. Government-backed militias regularly raided black communities, torturing, raping, looting and taking slaves, mostly women and children, for domestic and agricultural labour and to provide sexual services. Some boys were forced to attend Koranic schools or military training camps, where they were indoctrinated and trained to wage war against their own people.

27. His organization urged the Commission to insist on access for human rights monitors to all areas of the Sudan, under the direction of the Special Rapporteur on the situation of human rights in the Sudan, to investigate the extent of slavery and to cooperate with the Government in establishing a mechanism for the return of slaves to their families with appropriate compensation; to apply pressure on the Government to refrain from supporting further slave raids, if necessary by imposing an arms and oil embargo; to establish a dialogue with representatives of democratic Sudanese parties; and to support Arab clans that were cooperating with black communities to secure the return of enslaved women and children.

28. Ms. KHAMKHOEVA (Transnational Radical Party) said thousands of Ingush children were living in the Russian Federation in need of protection from the violence that had plagued their people over the previous three years. Constitutional reform and presidential decrees notwithstanding, land in Northern Ossetia had not been returned to the Ingush, nor had provision been

made for their safe repatriation. Families had been systematically driven out of the Prigorodny district, resulting in the internal displacement of over 70,000 persons. Since 1992, vast numbers of children had been denied the right to life and lived in appalling conditions in camps. Health-care facilities were minimal and no assistance was provided for children who had lost their families. Fighting in Chechnya had also produced an influx of Chechen children into Ingushetia, adding to the already pressing demands on the scant resources provided by the Russian Federation, so that urgent assistance by the international community was vital.

29. Her organization welcomed the progress made with the study on the impact of armed conflict on children (E/CN.4/1996/110) and endorsed the opinion of the expert, that substantial work needed to be done in respect of rehabilitation and reconciliation after conflicts.

30. For the children of Ingushetia, there remained the larger issue of solving the political problems that had created the tragedy of which they were the victims. The Ingush people supported the efforts of the United Nations and would continue to try to protect and rehabilitate children caught up in conflict.

31. Mr. WONG (International Association for the Defence of Religious Liberty) described the neglect, ill-treatment and suffering endured by children in Chinese orphanages. Covert investigations had led to the production of a documentary film on the subject and evidence presented in a Human Rights Watch report revealed that most deaths had resulted from a deliberate policy of "summary resolution" which limited the number of children per ward in order to maintain the workload at a constant level. That process, which amounted to institutionalized murder, entailed eliminating a number of children in a ward to make room for new arrivals.

32. China's policy of imposing strict quotas on family size had triggered a rapid rise in the abandonment of baby girls, who accounted for over 90 per cent of the total number of children in orphanages, reflecting the traditional emphasis on the importance of sons.

33. His Association called on the Commission and the international community to exert pressure on the Government of China to put an end to its policy of quotas on family size and to raise the standard of care in State orphanages. It also called for the appointment of a special rapporteur to investigate the plight of orphans in that country.

34. Ms. SANCHO (Asian Women Human Rights Council) welcomed the ratification of the Convention on the Rights of the Child by 188 countries, called on them to develop the political will to overcome obstacles to the effective implementation of the provisions of the Convention, and urged the remaining signatories to proceed with ratification.

35. Unfortunately, violations of the rights of children continued unabated in various parts of the world and trafficking in girls and young women for prostitution was on the increase. The booming tourism industry had been cited

as a key factor in the treatment of women and children as commodities, and she called on States to support the first World Congress on Commercial Sexual Exploitation of Children scheduled for later that year.

36. Her organization also urged States to give priority to the recommendations of the special rapporteurs dealing with related issues, particularly the girl child, rape and sex slavery in war and armed conflicts. There was growing recognition that children were not spared the consequences of war and she called upon the high-level group studying the impact of war on children to look into the systematic use of rape as a weapon of war, and to work towards broadening the concept of war crimes to include rape and other forms of violence against women and children.

37. Her organization supported the elaboration of a draft optional protocol to the Convention and commended UNICEF on its initiative in formulating a broad anti-war agenda as a prerequisite for the promotion and realization of the rights of the child.

38. Recognition of the special needs of women and children must be translated into firm action and measures at all levels, and it was equally important to identify the root of human rights violations against those vulnerable groups.

39. Ms. LAROCHE (International Federation of Human Rights Leagues) said her Federation was disturbed by the gap between the enactment of laws and their application in implementation of the Convention on the Rights of the Child. Specifically, China's report to the Committee on the Rights of the Child was lacking in information on the enforcement of its laws and regulations, and failed to mention various shortcomings in the protection of the rights of children, especially the problems of trafficking, child abuse, arbitrary detention of juveniles and the serious imbalances in sex-ratios at birth. The report claimed that discrimination on the grounds of sex and disability was legally prohibited but the relevant legal provisions were not enforced. Discrimination against girl children had been exacerbated by the Government's "one-child" policy, and human rights groups had reported that large numbers of girls were missing as a result of sex-selective abortion, infanticide, abandonment, non-registration and death through neglect. Moreover, children born "out of plan" were not registered as residents, and were therefore deprived of free education, health benefits and a legal identity.

40. Her Federation therefore urged the Commission to examine the various abuses brought about by population control policies in all countries and urged all countries to ratify the Convention without reservation.

41. Ms. SAHOVIC (International Federation of Human Rights Leagues) said her Federation was most concerned about the many children suffering the physical or psychological consequences of the war in the former Yugoslavia. They had been innocent victims and were now being exposed to intense pressure by the media, which were endeavouring to make them accept the idea of armed conflicts rather than the peaceful settlement of disputes.

42. Her Federation proposed that the United Nations or other intergovernmental organizations should study the impact of sanctions on children, with special reference to various economic, political, social and cultural circumstances.

43. Mr. KHOLI (Indian Council of Education) stressed the importance of the implementation of the Convention on the Rights of the Child in India, with special reference to the role of NGOs. That role was of particular importance in developing countries because government action on its own could not meet the needs of society. NGOs had been working with the Government of India to implement programmes aimed at promoting the welfare and development of children, and special orientation programmes arranged with the help of United Nations agencies and international organizations could help them to identify and analyse problems and propose solutions in connection with the implementation of the Convention. He outlined eight areas in which NGOs could ensure the right of children to survival, protection, development and participation, urged Governments to entrust NGOs with primary responsibility for the implementation of the Convention, and called on the United Nations specialized agencies to look into the special needs of the developing countries in respect of training, monitoring and the evaluation of relevant programmes.

44. Mr. SHINOJI (World Peace Council) said children in southern Asia were being increasingly deprived of their basic needs. Child abuse, in the form of child labour or prostitution, was often the result of rapid population growth, poverty, illiteracy and unemployment. The weakening of family ties was also a contributing factor and reflected attempts to hasten the process of modernization, without allowing time for societies to acquire a full understanding of the consequences of development and industrialization.

45. While it was a fact that poverty in southern Asia often led people to regard sex as a commercial commodity, child pornography was also practised in some developed countries where such practices were not justified by economic hardship and low standards of living.

46. There was need for urgent action to devise reliable ways of ensuring that practices depriving children and women of a life of dignity and freedom were curbed. States should be made accountable for the welfare of their young people and the Commission could play an important role by bolstering the work of NGOs, initiating case studies in various countries and, where necessary, by condemning State structures which encouraged practices harmful to children.

47. Mr. GUPTA (International Institute for Peace) said his Institute commended the work of the Committee on the Rights of the Child and of the Special Rapporteur on the sale of children, child prostitution and child pornography.

48. Pakistan had been sponsoring terrorism in the Indian state of Jammu and Kashmir, violating the human rights of the children of both Muslims and Hindus who lived in constant fear of being kidnapped and recruited for terrorist activities and who were subjected to relentless indoctrination in religious extremism and hatred. The prospect of parliamentary elections in India had

led insurgents to threaten potential voters with the kidnapping of their children. That disruption of the democratic process was unacceptable. The only way of ensuring the rights of children in the region and of protecting them against vicious influences was to prevail upon Pakistan to stop supplying arms to terrorists and to close training camps for militants. The international community must monitor the process of democratic normalization under way in India so as to protect the rights of future generations.

49. Mr. SAHNI (International Institute for Non-Aligned Studies) said his Institute was deeply concerned about the plight of children in southern Asia. Child labour was the scourge of developing countries where feudal traditions forced children to repay debts contracted by past generations. The International Labour Organization had estimated that nearly 6 million children in Pakistan were exploited in near-slavery conditions such as bonded labour. In addition, the resurgence of religious fundamentalism had created bondage of the mind, which had the dangerous dimension of teaching children to kill.

50. He alluded to the situation in the region of Jammu and Kashmir and urged the international community to support the forthcoming elections because democracy was the basis for the transformation of the lives of Kashmiri children.

51. Education was the key to the advancement of society and NGOs had a special role to play in that regard.

52. The CHAIRMAN said that the Commission had thus completed its consideration of agenda item 20.

FOLLOW-UP TO THE WORLD CONFERENCE ON HUMAN RIGHTS (agenda item 21) (E/CN.4/1996/50 and Add.1, 103, 105 and 112)

53. Mr. LINDGREN ALVES (Brazil) said that the Commission must take stock of what had been achieved and what forfeited in the three years since the World Conference on Human Rights. For purposes of evaluation, the Conference's decisions could be grouped under three headings: practical, conceptual and instrumental. At the practical level, the most important decision had been to establish the post of High Commissioner for Human Rights. Unfortunately, the effectiveness of the human rights programme was jeopardized by a lack of the political will and financial support called for by the High Commissioner in his report (E/CN.4/1996/103).

54. The Conference's three most lasting achievements were of a conceptual nature: a reaffirmation of the universality of human rights; identification of those rights as a priority objective and a legitimate concern of the international community; and affirmation of the duty of States to promote and protect them regardless of cultural particularities. Those concepts bore repeating at a time when many States were again invoking their differing traditions and creeds in order to justify patent violations of human rights, or dismissing international monitoring of those rights as unwarranted interference in their internal affairs. States were, of course, entitled to value their cultural differences, but no difference whatsoever could justify violations of human rights.

55. In retrospect, the high hopes entertained at the Vienna Conference seemed to have been superseded by a harsher reality. Yet recognition of the instrumentality of human rights for the attainment of goals in other areas, such as sustainable development, population control, eradication of poverty and improvement of women's status, was perhaps the Conference's most important achievement. Consequently, States must not fail to honour the Vienna Declaration and Programme of Action, to which they had subscribed.

56. Ms. MOHAMAD (Malaysia) said that while the efforts of the High Commissioner for Human Rights to restructure the Centre for Human Rights to meet the demands of his mandate were to be welcomed, the circumstances forcing him to do so were to be deplored, for the Change Plan, though needed, ran counter to the notion of empowering the human rights programme.

57. Full participation by the Bretton Woods institutions and the development agencies would facilitate the High Commissioner's efforts to implement the Vienna Programme of Action. Cooperation with affected States also needed to be enhanced. The current financial crisis and lack of voluntary contributions would further reduce the effectiveness of the field operations programme and of humanitarian assistance. States must therefore honour their financial obligations, and the High Commissioner's proposal to create a voluntary revolving fund for emergency field activities was laudable. More resources should also be allocated to technical cooperation and advisory services in the context of implementation of the Programme of Action. Lastly, her delegation attached great importance to early global realization of the right to development in partnership with the Bretton Woods institutions; however, the proposal to link human rights treaty bodies and experts to that scheme should not be politicized.

58. Mr. LILLO (Chile) said that the true challenge posed by the Vienna Conference was to show that States' ability to achieve consensus went beyond merely agreeing on a text. Cooperation, which had been one of the keynotes of the Conference, was not a unilateral act, but an active relationship between two or more parties, calling for good faith and transparency. His delegation was therefore concerned that some States were invoking the concept of cooperation in order to move in a direction diametrically opposed to that agreed on in Vienna. The Conference had reaffirmed the need to consider democracy, development and human rights as an indivisible whole whose constituent components could not be relativized. Follow-up to the Conference must translate that recognition into practical terms, and must also ensure that underdevelopment was not invoked to justify violations of human rights. His delegation thus welcomed the consensus reached at the current session with regard to the resolution on the right to development.

59. Chile reaffirmed its support for the work of the High Commissioner for Human Rights, whose independence must be safeguarded at all costs, since it was the basis for his moral authority. Indigenous issues were another area in which good progress had been made since the Vienna Conference. The Commission's decision to establish a separate agenda item for its consideration of those issues was to be welcomed. The Commission had also made a significant contribution to the promotion and recognition of women's rights.

60. His delegation welcomed the growing number of parties to the Convention on the Rights of the Child. Universal ratification of all international human rights instruments and their incorporation in internal law, as recommended at the Conference, would end States' practice of asserting the primacy of their domestic legislation where human rights violations were concerned. Finally, his delegation supported the strengthening of the Centre for Human Rights and the restructuring exercise in which the High Commissioner was engaged. The Centre must be granted the financial and human resources to enable it to perform its important task.

61. Mr. STROHAL (Austria) said that the challenge facing the international community in implementing the Vienna Declaration and Programme of Action was nothing less than that of "making human rights a reality" - as the High Commissioner for Human Rights put it in the title of his report (E/CN.4/1996/103). Agenda item 21 provided an opportunity for a global and integrated evaluation of that process. His delegation supported the High Commissioner's efforts to devise a system-wide policy for preventing serious human rights violations and to intensify his cooperation with other United Nations departments and offices, and commended the country visits he had undertaken. Such visits should be seen as paving the way for cooperation between Governments and other United Nations organs and bodies.

62. One of the priorities the High Commissioner had set himself was system-wide coordination of all human rights activities. Austria welcomed his establishment of a permanent dialogue with United Nations agencies and programmes, and believed that the Administrative Committee on Coordination (ACC) should continue to discuss the implications of the Vienna document for the entire system. It also welcomed the progress made in restructuring the Centre for Human Rights.

63. The draft resolution his delegation had circulated at the current session (E/CN.4/1996/L.97) was aimed in particular at starting preparations for the five-year review of progress envisaged in the Vienna document. His delegation believed that the review should be undertaken within the broader context of the coordinated follow-up to recent major international conferences in the economic, social and related fields, and that view was reflected in paragraph 11 of its draft resolution.

64. Mr. Legault (Canada), Vice-Chairman, took the Chair.

65. Mr. LOFTIS (United States of America) made a statement on behalf of Mr. John Shattuck, the United States Assistant Secretary of State for Democracy, Human Rights and Labor.

66. That the international community had the right and the responsibility to investigate human rights abuses wherever they occurred was fully consistent with the Vienna Declaration. Yet some countries continued to claim that their records should be exempt from the Commission's scrutiny. Any attempt by any country to deny the Commission its mandate by blocking a resolution should be rejected as an attack on that body's very existence and integrity.

67. Freedom of thought, conscience and religion, embodied in article 18 of the Universal Declaration of Human Rights and reaffirmed at Vienna, was also

under attack in many countries of the world. At times, cynical leaders made play with religious identity, as in Bosnia, mixing religious and ethnic intolerance in a lethal concoction. Adherents of virtually every religious group and system of belief had been subjected to persecution in recent times. Such intolerance was unacceptable to the people and institutions of the United States, and promotion of religious tolerance was a central component of its human rights policy. Early in 1996, for instance, First Lady Hillary Rodham Clinton had launched an initiative to promote religious and ethnic reconciliation in Bosnia. Religious and ethnic intolerance throughout the world only reinforced his country's belief in the role religions must continue to play in the world of human rights, as an expression of the human values upon which the institutions of civil society and human decency could best be built.

68. The Vienna document had marked an important milestone in efforts to reform the United Nations system and orient it towards the realities of the future. The energy generated at the Conference had also led to the establishment of the international tribunals on war crimes in Rwanda and Bosnia which, in the face of initial scepticism, had already become important instruments of accountability. While his delegation welcomed the appointment of the High Commissioner for Human Rights and the progress made in advancing the cause of women's rights, it believed that much remained to be done in the realms of financial reform and elaboration of new instruments to deal with human rights abuses. The creation of the international tribunals on war crimes showed that even old ideas could be put to new, innovative, uses. Such thinking was essential if the Commission was to evolve in response to world events. In keeping with the spirit of the Vienna Conference, the United States would work to bring about that evolution.

69. Mr. VASSYLENKO (Ukraine), noting that consideration of agenda item 21 near the end of the session made it possible to evaluate the progress made towards the goals of the Vienna Declaration and Programme, said that although both those documents had passed their viability test, national monitoring procedures needed upgrading and United Nations machinery to promote and protect human rights required closer coordination. To that end, the Centre for Human Rights should be rationalized and streamlined and the High Commissioner's capacity to react more rapidly to crises enhanced.

70. He agreed that it was essential to incorporate international human rights standards in domestic legislation and said that Ukraine was elaborating a basic policy for the improvement of Ukrainian human rights legislation and of national institutions and mechanisms to safeguard such rights. As national standards could be implemented effectively only if individuals were adequately informed about their rights, national human rights education and public information campaigns were also necessary. Rapid social and political changes meant that new standards covering a variety of issues had to be formulated and a comprehensive study should be made of crisis-prevention policy in the field of human rights.

71. Mr. BARKER (Australia), recalling that the World Conference had recommended that States should draw up national action plans to identify steps for improving the protection and promotion of human rights, said that Australia had presented its first plan to the Commission's fiftieth session

and an updated version to the Centre for Human Rights in 1995. The plan had attempted to bring together all the strands of the Australian Government's policy to guarantee human rights and social justice through measures covering the entire range of civil, political, economic, social and cultural rights, including the rights of indigenous peoples. He hoped that his country's plan and progress report would provide a useful guide for other States, as such plans enabled both Governments and societies to step up their efforts on the basis of a realistic assessment of available resources.

72. Australia strongly supported the proposed restructuring of the Centre for Human Rights, but pointed out that reorganization had to be accompanied by better personnel practices and modern management techniques, because the Centre's credibility was at stake. Australia had scrutinized the Centre's performance in Rwanda very carefully before deciding to make an additional contribution in response to the High Commissioner's appeal and trusted that the Centre would overcome its difficulties in the areas of organization and communication.

73. Mr. JOUBLANC (Mexico), after reviewing the progress achieved in the establishment of machinery and organs to safeguard human rights, said that States should undertake a study aimed at strengthening and rationalizing the work of treaty bodies to make them more efficient. The first step in the promotion and protection of human rights was to ensure the universal application of human rights mechanisms, and Mexico had therefore acceded to the six basic human rights instruments. Those instruments were based on the principle of international cooperation which, in turn, entailed constructive dialogue among the States parties in order to identify means of overcoming potential hurdles to the application of international human rights conventions.

74. His country was, however, concerned that the steps certain bodies had taken supposedly to improve the way they functioned in fact exceeded their terms of reference. The Security Council, for example, was not competent to deal with specific human rights issues or to ascertain whether States were complying with their obligations under human rights instruments if international peace and security were not at stake. On the other hand, the Commission on Human Rights had been authorized to meet exceptionally between its regular session should the need arise, and it was the duty of the High Commissioner to prevent persistent violations of human rights throughout the world. The extra powers certain bodies had assumed therefore duplicated those of others and might even undermine mutual trust and cooperation between States.

75. His Government supported the creation of the post of High Commissioner for Human Rights and had announced it would be making a special contribution in response to his appeal for funds as an expression of its commitment to the universal promotion of human rights.

76. Mr. ZHANG Yishan (China) said that while the universality of human rights had been a popular theme for several years, the argument in favour of their diversity had been condemned as heresy. Yet in point of fact the world was varied and diverse and the western political, social and legal system was not

necessarily the only or best model of democracy. Moreover, countries which claimed to have the best human rights records had failed to implement the principle of self-determination.

77. Human rights were not a privilege, nor a means for pursuing power politics. None the less, some countries were trying to politicize the work of the Commission in order to please their voters at home and, to that end, they were levelling irresponsible criticism at the developing countries while ignoring their own human rights abuses. But cooperation, not confrontation, was the correct way to promote human rights. The cold war had ended, yet some countries still behaved in a confrontational manner in the Commission - which had been turned into a tribunal - in an attempt to expand their spheres of influence. China, on the other hand, held that it was normal for different countries to have different views on human rights. Countries should practice tolerance and cooperation in order to bring about peace and tranquillity in a world free from fear and want.

78. Ms. NAPOLI (European Commission) explained that the Treaty of Maastricht made respect for human rights one of the main criteria for membership of the European Union and identified human rights as one of the general objectives of its policy on foreign affairs, common security and development cooperation. Hence, the European Commission had provided NGOs with financial support to enable them to participate in the Vienna Conference.

79. The European Commission considered that the strengthening of the link between human rights, democracy and development was the top priority, closely followed by the promotion of equality, dignity and tolerance. For that reason, it was contributing to activities in the fields of education, training and the media.

80. Equal rights were one of the cornerstones of any system for protecting the fundamental rights of the most vulnerable groups and for identifying segments of the population which might play a decisive role in the democratic development of society. In that context, the European Commission endorsed efforts by States to promote children's welfare and education, and was joining with governmental bodies and local organizations striving to enable indigenous peoples to defend their human rights and fundamental freedoms. As national minorities were a subject of concern at the international and regional level, the European Commission was taking steps to consolidate civil society and combat racism and xenophobia in the countries of central and eastern Europe. At the same time, it provided financial assistance to victims of torture with a view to their psychological, physical and social rehabilitation and had allocated US$ 2.5 million to schemes designed to overcome the worst obstacles to equality between women and men.

81. To demonstrate its commitment to human rights, the European Commission had, at the end of 1995, submitted a report on its past activities and outlined a strategy which reflected the hopes and traditions of the European peoples and formed part of the follow-up to the World Conference.

82. Mr. MALHOTRA (United Nations Educational, Scientific and Cultural Organization) said that, as one of the recommendations of the Vienna Conference emphasized the need for closer coordination within the

United Nations system, the High Commissioner for Human Rights and UNESCO's Director-General had in 1995 signed a Memorandum of Understanding which provided a framework for greater cooperation.

83. The forty-fourth session of the International Conference on Education had been a significant step towards reinforcing UNESCO's strategies for achieving international understanding, while the Integrated Framework of Action on Education for Peace, Human Rights and Democracy was one of its main priorities. Educational material on the subject was also being prepared in several languages. UNESCO's intersectoral programme "Towards a culture of peace" was similarly of importance.

84. The proclamation by the United Nations of the International Decade of the World's Indigenous Peoples had given fresh impetus to those of UNESCO's activities which placed particular emphasis on the promotion of better understanding, as well as the recognition and protection of the cultural rights of persons belonging to minorities and indigenous peoples. Action was planned in various parts of the world to develop bilateral and multicultural curricula.

85. In order to further democratic values and strengthen the rule of law, UNESCO would, in 1996-1997, distribute its publications on the subject, organize "Forums of Democracy" and create chairs in human rights and democracy. It would also continue to contribute to the implementation of the Vienna Declaration and Programme of Action in its field of competence.

The meeting rose at 9 p.m.

Annex

List of non-governmental organizations associated with the statement by the representative of the Baha'i International Community

1. African Association of Education for Development
2. All India Women's Conference
3. American Association of Jurists
4. Defence for Children International
5. International Federation of Women in Legal Careers
6. France-Libertés: Fondation Danielle Mitterrand
7. Human Rights Advocates
8. Inter-African Committee on Traditional Practices Affecting the Health of Women and Children
9. International Abolitionist Federation
10. International Alliance of Women
11. International Association of Democratic Lawyers
12. International Association of Educators for World Peace
13. International Association for Religious Freedom
14. International Council of Jewish Women
15. International Council of Women
16. International Educational Development, Inc.
17. International Federation of Social Workers
18. International Federation of University Women
19. International Movement ATD Fourth World
20. International Movement Against All Forms of Discrimination and Racism
21. International Movement for Fraternal Union Among Races and Peoples
22. International Organization for the Development of Freedom of Education
23. Liberation
24. National Council of German Women's Organizations

25. Susila Dharma International Association

26. Women's International League for Peace and Freedom

27. Women's World Summit Foundation

28. World Association for the School as an Instrument of Peace

29. World Federalist Movement

30. World Federation of Methodist Women

31. World Federation of United Nations Associations

32. World Movement of Mothers

33. World Vision International

34. Zonta International